

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BRENDA GOMEZ

and

EDVIN ENRIQUE LEMUS,

Plaintiffs,

v.

SUK HONG CHO,

SUN YOUNG CHO

and

TYCO CLEANERS, INC.,

Defendants.

Case No. 1:17cv183 (JCC/JFA)

COMPLAINT

1. Plaintiffs Brenda Gomez and Edvin Enrique Lemus bring this lawsuit for violations of the Fair Labor Standards Act (“FLSA”) by Defendants.

THE PARTIES

Plaintiffs

2. Plaintiff BRENDA GOMEZ was an employee of Defendants from approximately 2010 until approximately December 2016. She worked at Defendants' dry-cleaning store on Tyco Road in Vienna Virginia and her principal duties were pressing garments brought in by the Defendants' customers.

3. Plaintiff EDVIN ENRIQUE LEMUS was employed by Defendants from approximately June 2015 through the present. He worked at Defendants' dry-cleaning store on Tyco Road in Vienna Virginia. His principal work responsibility was to drive a company delivery vehicle.

Defendants

4. Defendant SUK HONG CHO owns and operates and owned and operated at all relevant times a dry-cleaning business which included a dry-cleaning store on Tyco Road in Vienna Virginia and several other stores in Northern Virginia.

5. The volume of sales made or business done by Defendants' dry cleaning business is not less than \$500,000 (exclusive of excise taxes at the retail level that are separately stated).

6. Suk Hong Cho is and was at all relevant times president and registered agent of Defendant Tyco Cleaners and an officer and director of Tyco.

7. Suk Hong Cho directly and personally supervised Plaintiffs, including by determining their rate of pay and hours worked. Defendant Suk Hong Cho is married to Defendant Sun Young Cho.

8. Defendant SUN YOUNG CHO owns and operates and owned and operated at all relevant times a dry-cleaning business which included a dry-cleaning store on Tyco Road in Vienna Virginia and several other stores in Northern Virginia.

9. The volume of sales made or business done by Defendants' dry cleaning business is not less than \$500,000 (exclusive of excise taxes at the retail level that are separately stated).

10. Sun Young Cho is and was at all relevant times secretary and an officer of Defendant Tyco and a member of its board of directors.

11. Sun Young Cho directly and personally supervised Plaintiffs, including by determining their rate of pay and hours worked. Defendant Sun Young Cho is married to Defendant Suk Hong Cho.

12. Defendant TYCO CLEANERS, INC. is a Virginia corporation with its principal place of business at a dry-cleaning store on Tyco Road in Vienna, Virginia. The individual defendants used this corporation to operate a dry-cleaning business.

13. At all relevant times the Defendants employed each of the Plaintiffs.

THE CONDUCT AT ISSUE

14. During his employment by Defendants Plaintiffs regularly worked more than forty hours in a workweek. Each Plaintiff worked six days a week and frequently or regularly worked eight or more hours each day.

15. Plaintiffs were never paid overtime.

16. Plaintiffs were paid fixed amounts per week regardless of the amount of work they actually performed.

17. The obligation to pay overtime is well known in the business community and this obligation was known to Defendants who intentionally (or, in the alternative recklessly) failed to comply with it.

JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 as this case includes a claim that arises under federal law.

19. A substantial portion of the wrongful acts alleged in this Complaint occurred in the Eastern District of Virginia. Venue lies in this Court pursuant to 28 U.S.C. § 1391.

JURY DEMAND

20. Plaintiff demands a trial by jury for all claims which may be so tried.

CAUSES OF ACTION

21. Plaintiff seeks relief for the cause of action set out below.

Count 1
Violation of FLSA (Unpaid Overtime)

22. The foregoing paragraphs are incorporated herein.

23. Defendants' conduct, in not paying Plaintiffs at a time and one half rate for hours worked in excess of forty during a workweek, violated 29 U.S.C. § 207, which required that Plaintiff be paid at such a rate for such overtime work.

24. Pursuant to 29 U.S.C. § 216 Plaintiffs (and others similarly situated) are entitled to damages of double the amount that should have been paid plus reasonable attorneys' fees and the costs and expenses of litigation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief and judgment, jointly and severally against each Defendant, as follows:

- a) An award of double the amount Defendants should have paid Plaintiffs pursuant to the FLSA but were not paid.
- b) An award to Plaintiffs of reasonable attorneys' fees, expenses of litigation and costs of this action.
- c) Such further relief as the Court deems necessary and proper.

Dated: February 14, 2017

Respectfully,

By /s/Matthew B. Kaplan

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